

new trend. I think the computer industry learned this collaborative effort a long time ago, and I am pleased that the pharmaceutical industry is catching on to it, as demonstrated today.

I will close with that final thought because it does remind me how important it is to put the patient first. They did this yesterday by developing this pill, having the FDA to approve this particular pill. We need to do that throughout our health care system. We do have a health care system that is chaotic, in terms of its organization. It is not really even a system; it is more of a sector.

If we can go back to that principle of putting the patient first, putting the patient in the center, we can weed out the waste and weed out the inefficiency and lower the cost and make a very optimistic future for our health care system.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: No. 735, No. 736, and No. 761.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. I further ask unanimous consent the nominations be confirmed en bloc, a motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

##### FEDERAL ENERGY REGULATORY COMMISSION

Philip D. Moeller, of Washington, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2010.

Jon Wellinghoff, of Nevada, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2008.

Marc Spitzer, of Arizona, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2011.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

Mr. FRIST. Mr. President, I see none of my colleagues on the floor at this juncture who want to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NET NEUTRALITY

Mr. WYDEN. Mr. President, 2 weeks ago I came to the floor of the Senate and announced I will do everything in my power to block consideration of the major communications overhaul legislation until it includes language that specifically ensures what is called Net neutrality.

Now, since this is a new concept, and certainly much of the country probably has not heard these words before and Senators have been asking questions about it, I am going to begin this morning, and intend on other instances to continue the discussion, to start talking about why Net neutrality is so important and why I will do everything in my power to block legislation, major communications legislation, unless it ensures that Net neutrality is preserved.

The bottom line about this concept is pretty simple. It means there will not be discrimination on the Internet. Today, after you pay your access charge, your Internet access fee, you get to take your browser and you get to go where you want, when you want, and everybody is treated the same: the mightiest person in the land, the most affluent, and somebody, say, in rural Georgia or rural Oregon who does not have a lot of power and does not have a lot of wealth.

The Internet has been a huge step forward, in my view, for democracy, for the proposition our country is based on which is to give everybody a fair shake, where everybody is treated equally. It has meant a real bonanza for our citizens in areas such as education, health, business—a whole host of fields. There needs to be a clear policy preserving the neutrality of the Internet. And without tough sanctions against those who would discriminate online, in my view, the Internet would be changed forever, for the worse. I intend to do everything in my power to keep that from happening.

Since I came to the floor to announce that I will do everything I can to block this legislation in its current form, the phone companies and the major communications lobbies in this country have launched an all-out advertising blitz. They are now spending millions of dollars trying to win passage of this legislation that does not include protection for Net neutrality. They are spending millions of dollars so they can make billions of dollars when they implement a two-tiered system online.

They have been telling Wall Street about their plans for some time. The Wall Street Journal, for example, outlined a pay-to-play plan that the phone companies and the cable companies have been talking about in a fairly open kind of fashion.

All this discussion suggests there is something of a looming shortage of bandwidth. Of course, bandwidth is the speed at which all the information on the Web travels to the user. But what has not been given enough attention thus far, and what I will talk about this morning and in the days ahead, is that the real Net neutrality fight is not primarily over bandwidth but who is going to call the shots in this country about content on the Web. Content is all the information that is out there on the Web. It includes music, movies, e-mails, newspaper articles and Web sites.

Bandwidth speeds are getting faster and faster, allowing all this content to reach the users faster. But bandwidth without content is akin to a swimming pool without water. It is there, but you cannot do anything with it. So the real Net neutrality fight is going to be about content.

Now, those who control the pipes—the way you get to the Internet—also want to control the content. The reason for that is because content is king. What good is one gigabyte Internet connection if you cannot get to the Web sites you want to visit? Legislation that does not have strong Net neutrality protections will mean the American people will face discrimination in content.

The Internet has thrived precisely because it is free of discrimination. It has thrived because consumers, and not some huge cable or phone company, get to choose what they want to see and how quickly they get to see it. I do not think there is anything odd about fighting against a bill that will take control of the Internet away from the American people.

What the cable and phone executives propose is that instead of providing equal access for everyone to the same content, at the same price, they are going to be in a position to cut sweetheart deals, to give somebody they favor a better break than somebody whom they do not look upon in the same way. Those who own the pipes do not want to be told they cannot discriminate. They do not want to be told by the Congress, or anybody else, sweetheart deals are off limits.

What I have done is tried to look at the Senate Commerce Committee legislation and compare it to the kinds of concerns I think the American people are going to have with the legislation in its current form. So what I would like to do now is outline three examples of what could happen in our country if communications legislation that allows discrimination on the Internet was allowed to go forward.

The first example involves what I am calling the Barns family. The Barns family owns a struggling electronics store. Sales have been hammered lately because a new "big box" electronics store opened up down the road. George Barns' son Mike came up with an idea to save the store. He said: We can reach new customers. We will start a Web